

JUL 22 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	GC Docket 92-52
)	
Reexamination of the Policy)	RM-7739
Statement on Comparative)	RM-7740
Broadcast Hearings)	RM-7741

To: The Commission

COMMENTS OF ELINOR LEWIS STEPHENS

Elinor Lewis Stephens, by her attorney, respectfully offers the following comments on the comparative criteria to be used by the Commission in contested broadcast proceedings for new stations. Ms. Stephens brings her vast broadcast operating experience to this issue. She entered broadcasting as an employee in 1966, and worked beside her general manager husband for the next ten years. Her many duties encompassed all aspects of broadcasting, and led to her actively supervising the administration of two radio stations in the same market. During this period she designed and managed the construction of a new radio station.

In 1976, after her husband prevailed in a comparative hearing, she assisted him in building his station. For the next nine years she took an active part in all decisions regarding the construction and subsequent operation of this station.

In 1985, she designed and managed construction of a new station once again. For the next five years she acted as

general manager for this new facility, making it a success. For the past several years, she has occupied the position of employee general manager. She is now single, and has no ownership of any station. In 1988, she applied for a new FM station at Round Rock, Texas, which became a contested proceeding. Three applicants remain in that proceeding which was frozen between the conclusion of the hearing and the issuance of the Initial Decision.

Based on her personal experience in constructing and operating radio stations, Ms. Stephens has the following views on the criteria for the Commission's use in selecting among competing applicants for new stations.

Experience in the broadcast management is very important. Broadcasting is management intensive; it is a very competitive and volatile business. In today's marketplace with a large and ever-increasing number of electronic media voices a new station needs an experienced owner to succeed in most cases. Nitch programming is often the best hope for a newcomer to an established market to survive and prosper. Identifying and implementing this narrow positioning takes relevant experience. The success or failure of radio stations are often determined by their audience share ratings. As unreliable as any ratings system may be, it is generally regarded as the primary path to much of the revenue a station needs to remain in operation. It takes appropriate experience to market to the listener, thereby obtaining a sufficient audience share to

interest the advertiser.

This is merely one example why relevant broadcast experience should be weighed heavily in comparative broadcast proceedings.

Ms. Stephens believes that integration of ownership and management has real value and should be retained as a significant comparative element. She has been an owner/manager as well as an employee/manager. It has been her experience that a station with the owner present on a regular basis is a better operation. The licensee has the commitment to success, more than any employee. She is personally familiar with numerous examples of hired managers who fall short when there is a need to stand up for the industry. A hired manager often is responsible only for the bottom line, but lacks the commitment to the industry and to the listeners. She personally approaches the job of general manager differently as an employee. When difficult situations arise, the employee manager may stop short, take the action which will do him the least amount of harm without regard to the effect on the station or the public interest. An owner must act with the interests of the community in mind, for his investment, not merely a job, is at stake.

Many national franchises recognize the value of having an owner present, and require him to be on site regularly. Such companies as McDonalds, Burger King, and Outback SteakHouse, have such a requirement. Rather than yield to the Court's

rejection of integration, the Commission should investigate the merits of continuing to apply it, for there is no doubt that the Commission will be called upon to justify whatever comparative criteria stem from this proceeding.

Ms. Stephens opposes selection by lottery. Such procedure will do nothing to fill the basic need for good broadcasters in the industry. It would also likely lead to extremely large numbers of applicants, as witnessed by the explosion in cellular applicants after the lottery procedure was announced.

Similarly, an auction would merely serve those with the most money. There would be no recognition of the value of good broadcasters to the public interest.

Minorities receive benefits in many federal programs, and may continue to be given a preference in the comparative evaluation. However, they should be required to meet the same standards for true ownership, as the Commission has previously followed for integration credit. It is all too easy for a non-minority to give a sizeable portion of the applicant to a minority merely to garner this preference. The Commission must continue to thoroughly investigate the bona fides of applicants which seek comparative credit for including minorities among their principals.

Even though there is a court ruling to the contrary, Ms Stephens believes that females should be given a preference in the comparative assessment. They are woefully underrepre-

sented in the community of broadcast owners. At a minimum, the Commission should look into the question of whether the public interest would be better served by the grant of a preference to female owners.

Finally, the Commission should expedite its consideration of the pending comparative cases. As mentioned above, Ms. Stephens' application has been pending since 1988, over six years. She, along with other applicants who are similarly situated, have each paid the Commission fees amounting to thousands of dollars. They have incurred expenses many times that amount in legal and other costs to go through the comparative hearing. The Commission found that public interest would be served by the establishment of these news stations. Yet the years have passed, and the frequency remains silent.

The Commission should restrict amendments by applicants already in hearing. To permit amendments as of right at this time would negate everything which has gone before and lead to even greater delays. The pending cases should be concluded swiftly and the Commission should avoid any steps which merely delay a final resolution.

Respectfully submitted,

ELINOR LEWIS STEPHENS

By 

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July 22, 1994

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CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of July, 19⁹⁴
a copy of the foregoing document was placed in the United States mail,
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